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14 IN THE UNITED STATES DISTRICT COURT
15 EASTERN DISTRICT OF CALIFORNIA

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17 UNITED STATES OF AMERICA, Plaintiff,
18 v.
19 REGINALD THOMAS, Defendant.

20 CASE NO. 2:20-CR-012-MCE
21 STIPULATION REGARDING EXCLUDABLE
22 TIME PERIODS UNDER SPEEDY TRIAL ACT;
23 ORDER
24 DATE: September 30, 2021
25 TIME: 10:00 a.m.
26 COURT: Hon. Morrison C. England, Jr.

27
28 **STIPULATION**

29 Plaintiff United States of America, by and through its counsel of record, and defendant, by and
30 through defendant's counsel of record, hereby stipulate as follows:

31 1. By previous order, this matter was set for status on September 30, 2021.
32 2. By this stipulation, defendant now moves to continue the status conference until October
33 7, 2021, and to exclude time between September 30, 2021, and October 7, 2021, under Local Code E
34 and T4.
35 3. The parties agree and stipulate, and request that the Court find the following:
36 a) The government has represented that the discovery associated with this case
37 includes numerous reports and related documents, photographs, audio recordings, and videos.
38 All of this discovery has been either produced directly to counsel and/or made available for
39 inspection and copying.

1 b) New counsel for the defendant was appointed on June 22, 2021. Counsel for
2 defendant desires additional time to conduct investigation and research related to the charges,
3 review discovery for this matter, to discuss potential resolutions with his client, and to otherwise
4 prepare for trial.

5 c) Counsel for defendant has also filed a motion to dismiss in the defendant's related
6 case (2:11-CR-00216), proposed to be heard on October 7, 2021. Defense counsel has
7 represented that the resolution of that motion bears directly on any decisions moving forward in
8 this case.

9 d) Counsel for defendant believes that failure to grant the above-requested
10 continuance would deny him the reasonable time necessary for effective preparation, taking into
11 account the exercise of due diligence. Additionally, because a motion to dismiss has been filed in
12 the defendant's related case, the resolution of which impacts decisions in this case, it is
13 appropriate for the Court to continue this matter pursuant to 18 U.S.C. § 3161(h)(1)(D).

14 e) The government does not object to the continuance.

15 f) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
16 et seq., within which trial must commence, the time period of September 30, 2021 to October 7,
17 2021, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(1)(D) [Local Code E] and
18 also under § 3161(h)(7)(A), B(iv) [Local Code T4] because it results from a continuance granted
19 by the Court at defendant's request on the basis of the Court's finding that the ends of justice
20 served by taking such action outweigh the best interest of the public and the defendant in a
21 speedy trial.

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1 4. Nothing in this stipulation and order shall preclude a finding that other provisions of the
2 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial
3 must commence.

4 IT IS SO STIPULATED.

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6 Dated: September 27, 2021

7 PHILLIP A. TALBERT
United States Attorney

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9 /s/ TANYA B. SYED
10 TANYA B. SYED
11 Assistant United States Attorney

12 Dated: September 27, 2021

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14 /s/ ETAN ZAITSU
15 ETAN ZAITSU
16 Counsel for Defendant
17 REGINALD THOMAS

18 **ORDER**

19 IT IS SO ORDERED.

20 Dated: September 28, 2021

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23 MORRISON C. ENGLAND, JR.
24 SENIOR UNITED STATES DISTRICT JUDGE